

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DYNAMIC MACHINE WORKS, INC.,)	
)	
Plaintiff)	Docket No. 04-10525-WGY
)	
v.)	
)	
MACHINE & ELECTRICAL)	
CONSULTANTS, INC.,)	
)	
Defendant)	

AFFIDAVIT OF THOMAS GIOVANNANI

I, Thomas Giovannani, hereby depose and say as follows:

1. My name is Thomas Giovannani. I reside at 6 Boston Road, Billerica, Massachusetts. I have personal knowledge of the matters contained herein.
2. I have been employed as a service technician at Machine & Electrical Consultants, Inc. (MECI) since October 2000. My responsibilities as a service technician include the commissioning, installation, and servicing of machinery and equipment including slant bed and flat bed lathes.
3. From 1983 until I began working at MECI, I worked as a machinist operating machinery and turning equipment. Primarily, I operated slant bed and flat bed lathes.
4. I was the primary service technician commissioning the Johnford HT-275 G Heavy Duty Turning Center (the "Johnford lathe") sold by MECI to Dynamic Machine Works, Inc. ("Dynamic"). During the commissioning process, I worked with representatives of Dynamic and with Jack Grosberg from Oxford Engineering, Inc. ("Oxford").

5. Oxford last performed laser alignment testing on the Johnford lathe on November 26, 2003.

6. After November 26, 2003, I continued to work for almost two weeks to further refine the operation of the Johnford lathe. My work days frequently exceeded 12 hours per day.

7. During the latter part of the two week period, during a test cut on the machine, a Dynamic employee, Dale Leclair, knocked the turret of the machine into the tailstock damaging and misaligning the tailstock requiring that I repair and realign the tail stock. The repairs and readjustments took over one day to complete.

8. As of December 9, 2003, the Johnford lathe was very close to operating within specifications. We intended to continue to make minor corrections and adjustments to further improve the performance. Unfortunately, Dynamic refused to give MECI the opportunity to continue to work on the Johnford lathe.

9. Based upon the Johnford lathe's operation as of December 9, 2003, I am confident that the lathe would have operated within specifications if we had been allowed to continue to work on the machine through December 19, 2003.

Signed under the pains and penalties of perjury this 12TH day of October, 2004.



Thomas Giovannani